
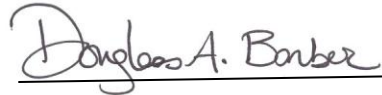


Approved: Meeting No. 25-13

Attest:





MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
May 6, 2013
Meeting No. 16-13
7:00 p.m.

Executive Session pursuant to Section 10-508(a)(1)(i) of the State Government Article of the Annotated Code of Maryland to discuss the employment, assignment, compensation, and performance evaluation of the City Attorney, an employee over whom it has jurisdiction.

The Mayor and Council met in Executive Session on May 6, 2013, at 6:00 p.m. in the Diamond Back Terrapin Conference Room, City Hall, 111 Maryland Avenue, Rockville, Maryland.

Councilmember Hall made the motion to convene in Executive Session seconded by Councilmember Moore and passed unanimously.

Present at the Executive Session were Mayor Phyllis Marcuccio, Councilmember John F. Hall, Jr., Councilmember Tom Moore, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala. Also present was City Attorney Debra Daniel.

The topic of discussion was the City Attorney's annual evaluation.

The Mayor and Council voted to grant leave to the City Attorney in accordance with the City's personnel policy and to amend the City's Attorney's contract.

The Mayor and Council adjourned the Executive Session at 7:02 p.m.

Present:

Mayor Phyllis Marcuccio, Councilmember John F. Hall, Jr., Councilmember Tom Moore, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala.

Staff Present:

City Manager Barbara Matthews, City Clerk/Treasurer Doug Barber, and City Attorney Debra Daniel.

1. Convene

The Mayor and Council convened in a regular meeting at 7:08 p.m. on Monday, May 6, 2013, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Marcuccio led the Pledge of Allegiance.

3. Agenda Review

City Clerk Barber noted a correction to the January 28, 2013, meeting minutes.

4. City Manager's Report

City Manager Matthews reported:

- Peerless Rockville Program – Rockville's Recent Past a series of presentations, lectures, panel discussions, and walking through Rockville, over the last two months will culminate on Thursday, May 9, 2013, in Rockville City Hall with a lecture and panel discussion on the factors that influenced the development of certain neighborhoods in Rockville (Twinbrook, Woodley Gardens, New Mark Commons, Americana Centre, and King Farm). The presentation will be filmed and aired on Rockville 11 and You-Tube.
- Senator Ben Cardin will be visiting the City of Rockville on Monday, May 13, 2013, to hold a press conference to announce his new Blue Alert legislation at the Rockville Police Station.

5. Appointments/Reappointments and Announcements of Vacancies

Mayor Marcuccio announced that there are vacancies on the following boards and/or commissions: Board of Appeals, Financial Advisory Board, Human Services Advisory Commission, Human Rights Commission, Landlord Tenant Affairs Commission, Planning Commission, and the Retirement Board.

7. Proclamation Declaring May 2013 as Rockville Bicycle Awareness Month

Councilmember Pierzchala read and presented the proclamation to Carl Peterson (on behalf of Nancy Breen, Chair of the Rockville Bicycle Advisory Committee), and members of the Rockville Bicycle Advisory Committee, who thanked the Mayor and Council for the proclamation. Mr. Peterson noted the recent inaugural "Tour de Cookie" on the east coast. There were over 350 participants stopping along the way at cookie stands. The Rockville Bicycle Advisory Committee, in addition to playing a safety advisory role, hosted one of the many cookie stands along the route. Their stand was voted best cookie stand for the event. Mr. Peterson presented the plaque to the Mayor and Council, and thanked them for all the support to the Rockville Bicycle Advisory Committee.

Motion: to proclaim May 2013, as Rockville Bicycle Awareness Month.

Moved by Councilmember Pierzchala, seconded by Councilmember Hall, and passed unanimously.

6. Presentation of Certificate to TERRIFIC Bike Participants

Mayor Marcuccio noted that the children who receive the awards demonstrated positive characteristics reflective of the program: Trustworthy, Earnest, Respectful, Responsible, Involved, Fair, Industrious, and Caring. Mayor Marcuccio called the names of each of this year's 36 participants, and presented those in attendance with a certificate of participation. They were congratulated by the Mayor and the Council.

8. Proclamation Declaring the Week of May 12 – May 18, 2013, as National Police Week in Rockville

Councilmember Newton read and presented the proclamation to Corporal Jan Seilhamer from the Rockville City Police Department.

Motion: to proclaim the week of May 12 – May 18, 2013, as National Police Week in Rockville.

Moved by Councilmember Newton, seconded by Councilmember Hall, and passed unanimously.

9. Proclamation Declaring May 27, 2013, Memorial Day, as Poppy Day in Rockville

Councilmember Hall read and presented the proclamation to Marilyn Rykoskey, President of the American Legion Auxiliary Post 86, and Anna Houde, the 2013 Poppy Girl. Ms. Marilyn Rykoskey presented Mayor Marcuccio with a Veteran Families of American Medallion for the entire Mayor and Council.

Motion: to proclaim May 27, 2013, Memorial Day, as Poppy Day in Rockville.

Moved by Councilmember Hall, seconded by Councilmember Newton, and passed unanimously.

10. Citizen's Forum

Citizen

Issue

Peter James

First Fruit Farms Project at Rock Terrace School

11. Mayor and Council's Response to Citizen's Forum and Announcements

At the request of Mr. John Tyner, Councilmember Newton asked that the listening audience read the Rockville Pike Plan and come forward and testify at the Rockville Planning Commission's next public hearing, at the request of Mr. John Tyner.

12. Mayor and Council Reports

Councilmember Pierzchala noted his attendance at the Rockville Peerless – Historical Site in Rockville program; he attended one at Americana Centre and at King Farm. Both were very educational and well received. Councilmember Pierzchala also attended the Woodley Gardens Civic Association meeting.

Councilmembers Pierzchala, Newton, and Hall attended the Kwainis Bike Ride.

Councilmember Moore addressed the Woodly Gardens Civic Association and briefed them on current items being addressed by the Mayor and Council. Wednesday, May 1, 2013, was Law Day, and Councilmember Moore helped the seniors of Rockville with their advanced directives at the Rockville Senior Center.

Mayor Marcuccio noted that on Saturday, May 4, 2013, she attended the Maryland Municipal League's (MML) Board Meeting in Annapolis, Maryland, at MML headquarters

13. Consent Agenda

- A.** Award of Rider Contract on Baltimore City Contract # B500002616, Chemical Root Treatment of Sanitary Sewer Mains, to Duke's Sales and Services, Inc. in the amount of \$80,000 with three one-year renewal options not to exceed \$320,000 for the period through December 18, 2016.
- B.** Award a Rider Contract off of Virginia Association of State College and University Purchasing Professionals (VASCUPP) Contract 4394459JC-11 to Human Circuit, Inc. of Gaithersburg, Maryland, in the Amount of \$84,308.39 for the Design and Integration of a Custom Portable Video Production System with Wireless Video Transmission Capability to be Used in Conjunction with the Human Circuit Designed and Integrated Rockville 11 Master Control Production System.

C. Approval of Minutes

The following minutes were presented for approval:

Meeting 02-13 (January 14, 2013)
Meeting 03-13 (January 28, 2013 – Regal Row Meeting)
Meeting 04-13 (January 28, 2013)
Meeting 05-13 (February 4, 2013)
Meeting 06-13 (February 11, 2013)
Meeting 07-13 (February 25, 2013)

Motion: to approve the Consent Agenda with the amendment to item C (City Clerk Barber noted a correction to the minutes of January 28, 2013)

Moved by Councilmember Hall, seconded by Councilmember Newton, and passed unanimously.

14. Discussion and Instructions – Countywide Transit Corridors Functional Master Plan

Community Planning and Development Services (CPDS) Long Range Planning and Redevelopment City Planner III Wallas provided a status update on Countywide Transit Corridors Functional Master Plan. Ms. Wallas noted that it was very important to remember that this is a County Plan that the Mayor and Council are providing comments on. Ms. Wallas noted the purposes of the plan:

- Identify the rights-of-way needed to accommodate the desired Bus Rapid Transit (BRT) framework
- Facilitating superior transit service along the many County roadways
- Recommend a minimum right-of-way for each effected roadway and any changes to the planned number of travel lanes and identify recommended station locations

The following are the three corridors that pass through Rockville:

- **Veirs Mill Road** proposed corridor Rockville Station down to Wheaton Station by Veirs Mill Road
- **MD 355 South** proposed corridor Rockville Station down to Friendship Heights (County, D.C. Line)
- **MD 355 North** proposed corridor Rockville Station going North up 355 to join the corridor City transit and provide service up to Clarksburg, Maryland

The Mayor and Council heard a presentation on the proposed Countywide Transit Corridors Functional Master Plan (CTCFMP) from Mr. Larry Cole, Master Planner in the Functional Planning and Policy Division of the Montgomery County Park and Planning Department at their April 22, 2013, meeting. Mr. Cole also made the presentation to the Rockville Planning Commission on April 10, 2013. The Planning Commission at their April 24, 2013, meeting approved a memorandum to the Mayor and Council setting forth its comments, which was provided to the Mayor and Council. The Rockville Traffic and Transportation Commission was given the presentation on April 23, 2013, and have since provided comments on the plan to the Mayor and Council.

The staff requested the Mayor and Council discuss the staff-recommended letter of testimony which incorporates comments from both the Rockville Planning Commission and the Rockville Traffic and Transportation Commission, and provides direction to them on their desired direction.

Ms. Wallas noted that the County Planning Board Public Hearing is scheduled for May 16, 2013, and public comment is invited. No date has been set for the public record to close, but the record may close as early as May 16, 2013, or very soon after. Ms. Wallas closed by outlining for the Mayor and Council the staff's request and the need for direction on the item, upon the completion of their discussion on the item.

The Mayor and Council ensued into a lengthy discussion providing additional key points in the proposed letter for the City to include the following: questions about the speed; funding; and the participation of the municipalities through which this proposed transit way is going to go. Staff will incorporate proposed changes recommended by the Mayor and Council in the City's official letter on the issue to the County. The Mayor and Council noted that the Rockville Planning Commission comments and the Rockville Traffic and Transportation Commission comments will be attachments to the City's letter to the County on the issue.

Director of Public Works Simoneau addressed the Mayor and Council providing clarification on the proposed placement of the stations and the setting of the right-of-way. Mr. Simoneau noted that it was very appropriate for the Mayor and Council to comment on the placement of the stations. Mr. Simoneau advised that the City needs to express to Montgomery County that the City of Rockville wants to participate in this process and have a seat at the table as this is discussed further at the County level. Staff has discussed with the County and the Department of Transportation (DOT) staff regarding the proposed detail station plans on certain sections and certain routes. There are lots of decisions to be made as to where and how the buses come into the City, and the City needs to be a part of those discussions.

Staff will revise the proposed letter and bring back the final letter before the Mayor and Council for their formal approval.

15. Worksession – FY 2014 Mayor and Council Budget Worksession # 4 – Final Direction to Staff

Budget and Finance Manager Webster provided the staff report on the item. Ms. Webster noted that this was the Mayor and Council's fourth and final worksession related to the FY 2014 operating and CIP budgets. Ms. Webster presented the Mayor and Council with a summary of the General Fund's status, that included the changes directed by the Mayor and Council during the third budget worksession held on Monday, April 29, 2013, Ms. Webster also presented additional information requested by the Mayor and Council at the April 29, 2013, and is seeking final direction on balancing the City's FY2014 operating and CIP budget. Ms. Webster noted what had been provided to the Mayor and Council as attachments to their briefbook materials as follows:

- Update of the 5 Year Forecast (included modifications from the April 29th meeting)
- Summary of Public Testimony as of April 30, 2013

Chamber of Commerce Grant Award

- Rockville Rewards
- Rockville Scholarship Foundation

The Mayor and Council discussed at length and noted the following key points:

- Possibly re-examining the Programs
- Broader Outreach for the Caregiver Grants
- Having the City of Rockville Selling Rockville Rewards
- Distributing Funds to the Non-Profit Agencies

Councilmember Hall noted his communication with the Rockville Chamber of Commerce. He is willing to support the funding for the Chamber of Commerce and the Rockville Rewards Program, but noted that the additional funding would come from the City Manager's Contingency Fund.

Motion: to fully fund both the Rockville Scholarship Program (\$2,500.00) and the Rockville Rewards Program (\$20,000) and to take from the City Manager's Contingency Fund \$2,500.00 to fully fund the programs. Councilmember Hall provided clarification, that the additional request in total is for \$10,000 (as a base grant). Mayor Marcuccio noted that the \$7,500.00 allocation was done at the previous meeting, which was confirmed by the Council.

Moved by Councilmember Hall, seconded by Councilmember Moore, and passed unanimously.

Mayor Marcuccio noted that she voted for the item; however, she would like to see both programs evaluated prior to the next budget cycle.

Budget and Finance Manager Webster clarified to the Mayor and Council that currently the program is set up to allow for scholarship winners to live outside of the incorporated boundaries of Rockville. The Mayor and Council noted that going forward as they would be the sole funder of the programs that scholarship awards would go to City of Rockville residents. There was no official motion given but agreed upon by the Mayor and Council.

Temporary Employee one-time increase – 1.00%

Budget and Finance Manager Webster provided a clear understanding to the Mayor and Council on what constitutes a Temporary Employee in the City of Rockville. The Mayor and Council discussed at length. The City of Rockville has three types of employee classes: (Regular Full-Time; Regular Part-Time (works ½ time or a .8 FTE that receives benefits); and Temporary Employee (seasonal or as-needed hourly employee that does not receive benefits). Mayor Marcuccio requested that it be called a bonus not an increase as it is a one-time pay-out. Ms. Webster noted that if approved by the Mayor and Council, the City would use the same process used in FY 2013 to dispense the funds. Director of Finance Cohen provided clarification to the number of employees that qualified to receive funds and projected the amounts. Director Cohen noted that he set the threshold at \$10.00. Ms. Webster closed by responding to questions of clarifications posed by the Mayor and Council.

Motion: to provide the temporary employees in the FY14 Budget a 1% one-time bonus with the funding coming from the City Manager's Constituency Fund.

Moved by Councilmember Hall, seconded by Councilmember Newton, and passed unanimously.

Proposed by the City Manager to Transfer \$500,000 from the Highway User Revenue Fund to Accessible Pedestrian Signals

The Mayor and Council discussed at the April 29, 2013, meeting to either split the funding by using Asphalt Repair and Replacement Fund or possibly take some from the Fund Balance. Upon completion of the discussion, Ms. Webster was looking for Mayor and Council to provide staff direction on the item.

Councilmember Pierzchala would like to see the City put \$400,000 towards Accessible Pedestrian Signals, and put \$100,000 in reserves for the Asphalt Repair and Replacement Fund. Councilmember Pierzchala is comfortable with the current 12 year cycle for asphalt replacement in the City.

Councilmember Moore would like to see the funding placed in the Asphalt Repair and Replacement Fund, even it was for a one-time boost, as it would allow for additional street repair and replacement, and move us forward in the process. Councilmember Moore would like to see the funding spent on transportation costs.

Mayor Marcuccio requested clarification on the accessible pedestrian signals that have been installed in Town Center.

The Mayor and Council discussed the issue at length with Director of Finance Cohen and Director of Public Works Simoneau providing clarification to questions posed by the Mayor and Council on the item.

Motion: to use \$400,000 for the ADA – Accessible Pedestrian Signals and put \$100,000 into the reserves (fund).

Councilmember Moore requested the funding be kept in the transportation fund. Councilmember Newton noted the issue is a public safety issue and the funding should be put into pedestrian signals, as it is a benefit to the residents.

Moved by Councilmember Pierzchala, seconded by Councilmember Moore. The motion failed with Councilmember Pierzchala voting for and Mayor Marcuccio, and Councilmember Hall, Councilmember Moore, and Councilmember Newton voting against.

Motion: from the \$500,000 use \$250,000 on ADA – Accessible Pedestrian Signals and \$250,000 on Asphalt Repair.

The Mayor and Council discussed. Budget and Finance Manager Webster clarified and noted the projections in the speed camera program fund are conservative. Chief of Police Treschuk addressed the Mayor and Council and provided clarification on the speed camera revenue (speed camera program).

Moved by Councilmember Moore, seconded by Councilmember Pierzchala. The motion failed with Councilmember Moore voting for and Mayor Marcuccio, and Councilmember Hall, Councilmember Newton, and Councilmember Pierzchala voting against.

Motion: to accept the staff recommendation proposed by the City Manager to transfer \$500,000 from the Highway User Revenue Fund to Accessible Pedestrian Signals

Moved by Councilmember Hall, seconded by Councilmember Newton. The motion passed with Councilmember Hall, Councilmember Moore, Councilmember Newton, and Councilmember Pierzchala voting for and Mayor Marcuccio voting against.

Stonestreet Bridge Rehabilitation

Upon completion of the Mayor and Council's discussion of the item, the staff requested direction as to whether they should proceed with removing the Stonestreet Avenue Pedestrian Bridge Abutments.

Motion: to accept the staff recommendation proposed by the City Manager to spend \$75,000 from the Bridge Rehab fund for the removal of the Stonestreet Avenue Pedestrian Bridge abutments

The Mayor and Council discussed what to do with the property. Director of Public Works Simoneau provided clarification to the Mayor and Council on the current rights-of-way on the property.

Moved by Councilmember Moore, seconded by Councilmember Hall. The motion passed with Mayor Marcuccio, Councilmember Hall, Councilmember Moore, and Council Pierzchala voting for and Councilmember Newton voting against.

Follow-Up on Proposed Pedestrian Improvements in East Rockville Area

The Mayor and Council discussed the proposed pedestrian safety improvement in the East Rockville Area provided by the East Rockville Civic Association's President, Chas Hausheer, to Department of Public Works Director Simoneau. The following were key points discussed as recommended improvements for the East Rockville area:

- Lighting
 - (Upon investigation by the Department of Public Works evaluate the lighting needs and handle in the current budget)
- South Stonestreet Avenue and Park Road Intersection Safety and Cosmetic Improvements
 - (Repainting all lanes and cross walk markings at the intersection is included in the current budget)
- Baltimore Road, General Safety
 - (Better signage/markers for crosswalks all along Baltimore Road)

Director Simoneau reviewed the detailed list with the Mayor and Council and provided those listed projects that are included in other planned projects and those that were already budgeted to take place in FY 2013. Director Simoneau additionally noted those items listed that are not budgetary, but can be investigated.

- Park Road at Seth Place Safety Improvements – (CIP Project could handle the issue)
- Park Road at Charles Street Safety Improvements – (shrubby clean-up/signs and traffic marketing – would improve area)

Director of Public Works Simoneau addressed the wall at the Park Road underpass, where there is crumbling concrete, but the issue is a State Highway Authority (SHA) issue. Director of Public Works will send the issue to SHA for them to address the safety concerns. The Mayor

and Council noted the railway tressel needs to be painted. Director Simoneau advised that once you paint you must paint forever.

Director of Public Works Simoneau noted items from the list that were not in the upcoming scope of work for the Department:

- Undergrounding Power Lines
- Millennium Trail along Gude Drive

Budget and Finance Manager Webster clarified to the Mayor and Council that the funding for the Stonestreet Bridge was removed for consideration by the Mayor and Council. The funding was reallocated to the 5 year CIP budget.

Motion: to have staff follow-up on proposed pedestrian improvements in the East Rockville Area; as noted in the CIP Recommendation from East Rockville Civic Association Chair Chas Hausheer, dated May 3, 2013.

The Mayor and Council noted that they were not directing staff to do all the projects listed, but to follow-up, and do those that were noted by Director Simoneau that could be done. Director Simoneau noted that he will explore the feasibility of all the projects.

Moved by Councilmember Moore, seconded by Councilmember Newton, and unanimously passed.

Budget and Finance Manager closed by responding to questions of clarifications on the proposed FY 2014 Budget with the changes given during the meeting. Ms. Webster provided clarification on the City's current reserved funds. Ms. Webster noted the City's bond rating is based on the adopted budget.

Councilmember Newton requested follow-up on the following: Study for the King Farm Farmstead Study and State Employee Assistance Program (SEAP) as the City reviews our reserves and looking at bonding. Councilmember Pierzchala noted his support for a study of the King Farm Farmstead; however, the City should consider creating a taskforce for the King Farm Farmstead, and then he could consider funding of a study.

16. Review and Comment – Third Quarter FY 2013 Financial Report

Budget and Finance Manager Webster provided the staff report on the item, sharing the following highlights from the Third Quarter FY2013 Financial Report:

General Fund Revenues – The Third Quarter General Fund revenues are slightly ahead of FY2012 levels, with property tax, income tax, and red light camera revenue showing the greatest variances.

- Total Property Tax – The FY 2014 Budget Amendment does not include a decrease to personal property tax revenues because staff believes that it will be offset by higher than budgeted real property tax revenues.

- Income Tax – Income tax totaled \$10.8 million in FY2013 and with amendment is estimated to total \$11.4 million in FY 2013. FY 2014 is currently estimated at a conservative \$11.2 million.
- Red Light Camera Revenues have increased due to the installation of red light cameras with new technology that capture right turn on red violations.

Acting Director of Recreation Henry responded and provided clarification to the Mayor and Council regarding the RedGate Golf Course Fund in the FY 2013 Budget and water usage issue.

Budget and Finance Manager Webster closed by reviewing with the Mayor and Council the City's General Fund Balance and highlighted the fund balance savings and an overview of the City Manager's Contingency Fund.

17. Review and Comment Regarding Mayor and Council Action Report

Councilmember Pierzchala requested that the City add to the action report a King Farm Farmstead Task Force discussion item.

18. Review and Comment Regarding Future Agendas

Councilmember Pierzchala noted that next week's agenda includes the Adequate Public Facilities Ordinance (APFO) discussion, and asked what materials were the Mayor and Council going to have to review prior to the meeting. City Manager Matthews clarified that it would be an initial discussion, along with material previously provided to the Mayor and Council on the item.

Councilmember Newton requested that the discussions on RedGate Golf Course and Supplemental Employee Contributions be added to a future agenda.

The Mayor and Council discussed the issue of not having a meeting on Monday, June 3, 2013, or Monday, June 10, 2013. The Mayor and Council decided not to have a meeting on Monday, June 3, 2013. City Clerk Barber noted there would not be a meeting on Monday, May 26, 2013 or June 3, 2013, and that he would note it on the next future agenda.

19. Old/New Business

Councilmember Newton requested clarification from the Mayor and Council's discussion at their last meeting regarding taxpayer's funds being used for candidates (parade signs).

20. Adjournment

There being no further business, the meeting adjourned at 10:18 p.m.

Motion: to adjourn

Moved by Councilmember Moore, seconded by Councilmember Hall and passed unanimously.